

File

EXCOM 82-7006
23 March 1982

MEMORANDUM FOR: Executive Committee Members

FROM: [REDACTED]

Executive Assistant to the Executive Director

SUBJECT:

Minutes of 18 March 1982 Executive Committee Meeting: Draft Legislation on Post-Employment Restrictions

1. The Executive Committee met on 18 March to review the General Counsel's proposed draft legislation on post-employment restrictions. Mr. McMahon (Executive Director) chaired the session; participants included Messrs. Gates (DDI); Fitzwater (DDA); George (ADDO); Taylor (ADDS&T); Briggs (IG); Glerum (D/OP); Sporkin (GC); and [REDACTED] (OEA).

2. Mr. McMahon reviewed the background of the proposed draft legislation, noting that our Congressional Oversight Committees were looking for "potential remedies" to prevent any future Wilson/Terpil situations. Mr. Sporkin explained that he thought it would be in the Agency's best interest to control any such remedy, rather than let Congress create it for us. He then reviewed why he favored the draft legislation as a means of getting at the Wilson/Terpil problem: It focuses on a narrow group of activities (military, intelligence, security); applies to former employees of all intelligence agencies, not just CIA; and requires approval of the head of the last agency the individual worked for, providing an opportunity to monitor those post-employment activities.

3. Mr. McMahon questioned what difference such a law would have made to Wilson and Terpil, who broke existing laws. Mr. Sporkin suggested that it would serve as a deterrent. Mr. McMahon then suggested, and others agreed, that any such legislation should apply to all former Government employees, including members of the NSC, HPSCI and SSCI staffs; all military personnel and all State Department employees. He pointed out that Wilson and Terpil, whose actions were repugnant to all Agency employees, were only two of thousands of former employees, and this draft legislation aimed at them impugned the dignity and integrity of all former and current employees. He then asked for members' views.

4. Committee members acknowledged that the DCI had made a commitment to the HPSCI to provide suggested legislation and that commitment should be honored. They all strongly opposed the draft legislation presented, however, and advised that unusually strong negative employee reaction has surfaced on this issue. DDI employees, for example, considered it offensive and

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discriminatory in placing such a large burden on a selective segment of Government employees. Mr. George voiced his Directorate's total opposition, noting the proposed legislation would have an extremely negative impact on recruitment efforts as well as employee morale. Mr. Briggs characterized the legislation as an overreaction to the Wilson/Terpil case. He also opined that if the draft legislation were applicable Government-wide, it would never pass. Mr. McMahon observed that the proposed legislation would have to go through the OMB clearance process.

5. Mr. Sporkin did not agree that the post-employment restrictions should apply Government-wide, but did agree that they should encompass all of the military, the Foreign Service, and the HPSCI and SSCI staffs. He did not understand the strong employee opposition, given that relatively few people would be affected by the legislation. Mr. Gates explained that employees considered it an insult to their integrity. Mr. George observed that it seemed to contradict this Administration's intentions to support the Intelligence Community.

6. After additional discussion, Mr. McMahon requested that Mr. Sporkin revise the draft, adding the additional categories noted above; advise the DCI and DDCI of the Committee's views on this issue; and ensure that the draft goes through the usual coordination process. He added that the Agency could oppose the legislation in that process. He then adjourned the meeting.



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